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Foley Hoag, LLP  
Patent Group, World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02110

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**OFFICE OF PETITIONS**

In re Application of  
Derek M. Dempsey, et al.  
Application No. 09/773,115  
Filed: January 31, 2001  
Attorney Docket No. CEO-010.01

DECISION GRANTING PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition filed May 21, 2003, under 37 CFR 1.137(f) which is being treated under the unintentional provisions of 37 CFR 1.137(b), to revive the instant nonprovisional application.

The petition is **DISMISSED AS MOOT**.

If an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made. In the instant application, a notice to rescind was filed prior to the filing date of the foreign filing. See 35 U.S.C. § 122(b)(2)(B)(ii).

In view thereof, the petition fee of \$1300 will not be charged to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

This application is being forwarded to Technology Center Art Unit 2167 for examination in due course.

*Marianne C. Morgan*

Marianne E. Morgan  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy